

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EL TORRO INVESTMENTS, LLC AND
REYNALDO UBALLE,

Plaintiffs,

vs.

APRIL LIEBERMAN,

Defendant.

CIVIL ACTION FILE NO.

1:21-cv-04679-MHC

PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANT'S
RULE 60(b) MOTION TO VACATE

COMES NOW Plaintiffs, *EL TORRO INVESTMENTS, LLC AND REYNALDO UBALLE*, (hereinafter "Plaintiffs"), by and through counsel, and files this *PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANT'S RULE 60(b) MOTION TO VACATE* and respectfully show this honorable court as follows:

1.

Defendant, April Liberman, was found to be in Default on February 10, 2022.

2.

Defendant, April Liberman, then filed a Motion to Set Aside on February 25, 2022.

This Motion was denied on July 29, 2022.

3.

Defendant, April Liberman, then filed a second Motion to Set Aside on August 26, 2022. This Motion was denied on February 22, 2023.

4.

Defendant, April Liberman, then filed a third Motion to Set Aside on June 30, 2023. This Motion does not introduce any new facts or legal theories that have not been previously decided by this Court, and therefore are barred by the Doctrine of Res Judicata. Res Judicata mandates that a judgment of a court of competent jurisdiction shall be conclusive between the same parties and their privies as to all matters put in issue or which under the rules of law might have been put in issue in the cause wherein the judgment was rendered. *See, Rule 8.*

WHEREFORE, Plaintiffs pray that Defendant's Motion be denied for the third time for reasons stated above.

This 23rd day of July 2023.

Respectfully submitted,

/s/ Clifford E. Hardwick, IV

Clifford E. Hardwick, IV
Georgia Bar No. 325662
Attorney for Plaintiffs El Toro
Investments, LLC and Reynaldo
Ubalde

Law Offices of Clifford E. Hardwick IV
2860 East Point St.
2nd Floor
East Point, Georgia 30344

(404) 276-2486 (Phone)
cliffhardwickiv@gmail.com

CERTIFICATE OF COMPLIANCE

Pursuant To LR 7.1, NDGa., the undersigned hereby certifies that he has prepared this PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANT'S RULE 60(b) MOTION TO VACATE in Times New Roman 14-point, double-spaced, in a font type and format approved by this Court in LR 5.1, NDGa.

This 23rd day of July 2023.

Respectfully submitted,

/s/ Clifford E. Hardwick, IV

Clifford E. Hardwick, IV
Georgia Bar No. 325662
Attorney for Plaintiffs El Toro
Investments, LLC and Reynaldo
Uballe

Law Offices of Clifford E. Hardwick IV
2860 East Point St.
2nd Floor
East Point, Georgia 30344
(404) 276-2486 (Phone)
cliffhardwickiv@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that I have served Defendant pro se with a true and correct copy of the foregoing *PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANT'S RULE 60(b)* by depositing the same in the United States Postal Service with adequate postage thereon to the following addresses and/or via Statutory Electronic Service:

April Lieberman
Defendant Pro Se
208 W. Maple Street
Dresden, TN 38225
(731) 333-2920
Aprillieberman@gmail.com

This 24th day of July 2023

Respectfully submitted,

/s/ Clifford E. Hardwick, IV

Clifford E. Hardwick, IV
Georgia Bar No. 325662
Attorney for Plaintiffs El Toro
Investments, LLC and Reynaldo
Uballe

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East Point, Georgia 30344
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